

Message Text

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USCINCSO

C O N F I D E N T I A L MANAGUA 4324

USCINCSO FOR POLAD

E. O. 11652: GDS

TAGS: PGOV, PINT, NU

SUBJECT: SOFTER VERSION OF ELECTORAL LAW PASSED

REF: MANAGUA 4232

SUMMARY: CONSTITUENT ASSEMBLY PASSED NEW ELECTORAL LAW WHICH WAS LESS HARSH THAN ORIGINAL VERSION PRESENTED OCTOBER 23. ELIMINATION OF RESTRICTIONS ON RIGHT TO PETITION APPARENTLY HAS MADE OTHER QUESTIONABLE ASPECTS OF LAW MORE PALATABLE TO OPPOSITION. END SUMMARY.

1. CONSTITUENT ASSEMBLY APPROVED NEW ELECTORAL LAW NOV 4 AFTER ELIMINATING AND SOFTENING MOST OF THE RESTRICTIVE PARTS CONTAINED IN THE FIRST READING TWELVE DAYS BEFORE (REFTEL). THE MOST NOTABLE CHANGE WAS THE COMPLETE REMOVAL OF THE ARTICLE WHICH RESTRICTED TO THOSE WHO VOTED ON SEPTEMBER 1 THE RIGHT TO PETITION A PLACE ON THE BALLOT FOR NEW PARTIES. ACKNOWLEDGING CRITICISM THAT THIS CLAUSE WOULD HAVE FROZEN THE PRESENT AUTHORIZED
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ALIGNMENT OF SOMOZA LIBERALS AND PAGUAGA CONSERVATIVES FOR

YEARS TO COME, THE BILL'S LIBERAL FLOOR MANAGER, JULIO CENTENO, DECLARED THAT SOMOZA HAD INTERVENED SPECIFICALLY ON BEHALF OF A MORE OPEN ELECTORAL SYSTEM WHICH HE DEEMED AS "WHOLESOME FOR THE REPUBLIC AND ITS INSTITUTIONS."

2. IN ANOTHER MAJOR CHANGE FROM THE FIRST VERSION, THE PENALTY OF MANDATORY JAIL SENTENCE FOR THOSE PREACHING ABSTENTION AT THE POLLS WAS ELIMINATED, AND THE THREAT OF SUSPENDING MEDIA ORGANS GUILTY OF THE OFFENSE WAS ATTENUATED BY GEARING IT TO REPEATED INCIDENTS. MODERATELY HEAVY FINANCIAL SANCTIONS FOR ADVOCATING ABSTENTION WHICH WERE INTRODUCED IN THE ORIGINAL VERSION WERE, HOWEVER, RETAINED.

3. ALSO RETAINED WERE PROVISIONS WHICH COULD EASILY BE CONSTRUED AS GIVING ONLY AUTHORIZED POLITICAL PARTIES THE RIGHT TO CONDUCT NORMAL POLITICAL ACTIVITIES. OR INSTANCE, IN THE SIX MONTHS PRIOR TO AN ELECTION ONLY POLITICAL PARTIES WHO WILL APPEAR ON THE BALLOT WILL HENCEFORTH BE ABLE TO MAKE POLITICAL PROPAGANDA.

4. WHILE THE LIBERALS RETREATD FROM SOME OF THE MORE PUNITIVE PROVISIONS OF THE ARTICLE ON ABSTENTIONISTS AS IT AFFECTED THE MEDIA, THEY OBTAINED APPROVAL OF A NOVEL ARTICLE REQUIRING THE PRESS TO PRINT PAID POLITICAL ADVERTISEMENTS OR FACE A FINE AMOUNTING TO TEN TIMES THEIR VALUE. UNDER THIS STIPULATION, LA PRENSA COULD CONCEIVABLY BECOME SOMOZA'S LEADING BILLBOARD.

5. THE FINAL BILL ALSO CONTAINS A PROVISION OUTLAWING THE NOTORIOUS TRANSPARENT BALLOT, AND ANOTHER WHICH SHARPLY REDUCES THE CAMPAIGN SUBSIDY THAT THE PAGUAGA CONSERVATIVES WILL OBTAIN AS A RESULT OF THIS YEAR'S ELECTION.

6. COMMENT: WHILE THE LIBERALS POINTDLY PROCLAIMED THAT THE SOFTENING OF THE BILL WAS A CONSEQUENCE OF GENERAL SOMOZA'S NOBLESSE OBLIGE, THE OPPOSITION SEEMED SATISFIED THAT ITS OWN EFFORTS IN HIGHLIGHTING THE INJUSTICES OF THE ORIGINAL HAD SOMEHOW FORCED SOMOZA TO BACK OFF. THE OPPOSITION SHOULD BE GRANTED ITS BRIEF MOMENT OF SELF-CONGRATULATIONS NOW, SINCE UPON CLOSER INSPECTION LATER THEY WILL FIND THAT THE NEW LAW ON BALANCE DOES NOT DIFFER REMARKABLY FROM THE ONE THEY HAD CRITICED FOR TWO DECADES. THE OBLIGATORY LARDING IN THE CEDULATION PROCESS THROUGHOUT THE LEGISLATION AND THE ELIMINATION OF THE TRANSPARENT BALLOT CERTAINLY

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ADVANCE THE PROSPECT OF FRAUD-FREE ELECTIONS. BUT THE INTRODUCTION OF FINES FOR PREACHING ABSTENTION TOGETHER WITH THE OMINOUS LANGUAGE SEEMS ACCEPTABLE ONLY IN THE LIGHT OF THE REMOVAL OF THE HARSH RIGHT TO PETITION ARTICLE.
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